

**281—56.3(259) Definitions.** For the purpose of this chapter, the indicated terms are defined as follows:

“*Act*” means the federal Rehabilitation Act of 1973 as amended and codified at 29 U.S.C. Section 701, et seq.

“*Aggregate data*” means information about one or more aspects of division job candidates, or from some specific subgroup of division job candidates, but from which personally identifiable information on any individual cannot be discerned.

“*Applicant*” means an individual or the individual’s representative, as appropriate, who has completed the IVRS Application for Services (R-412), a common intake application form through a one-stop center requesting IVRS services, or has otherwise requested services from IVRS; has provided to IVRS information necessary to initiate an assessment to determine eligibility and priority for services; is available to complete the assessment process; and has reviewed and signed the Rights and Responsibilities (IPE-1).

“*Appropriate modes of communication*” means specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated.

“*Assessment for determining eligibility or in the development of an IPE*” means a review of existing data and, to the extent necessary, the provision of appropriate assessment activities to obtain additional information to make a determination and to assign the priority for services or development of an IPE.

“*Assistive technology device*” means the same as defined in Section 3 of the Assistive Technology Act of 1998, as amended.

“*Assistive technology service*” means the same as defined in Section 3 of the Assistive Technology Act of 1998, as amended.

“*Benefits planning*” means assistance provided to an individual who is interested in becoming employed, but is uncertain of the impact work income may have on any disability benefits and entitlements being received, and is or is not aware of benefits, such as access to health care, that might be available to support employment efforts.

“*Case record*” means the file of personally identifiable information, whether written or electronic in form, on an individual that is collected to carry out the purposes of the division as defined in the Act. This information remains a part of the case record and is subject to these rules even when temporarily physically removed, either in whole or in part, from the file folder in which it is normally kept.

“*Community rehabilitation program*” or “*CRP*” means an approved program (agency, organization, or institution, or unit of any one of these, that provides directly or facilitates the provision of vocational rehabilitation services as one of its major functions) that provides directly or facilitates the provision of one or more of the following vocational rehabilitation services to individuals with disabilities to enable those individuals to maximize their opportunities for employment, including career advancement:

1. Medical, psychiatric, psychological, social, and vocational services that are provided under one management.

2. Testing, fitting, or training in the use of prosthetic and orthotic devices.

3. Recreational therapy.

4. Speech, language and hearing therapy.

5. Psychiatric, psychological, and social services, including positive behavior management.

6. Assessment for determining eligibility and vocational rehabilitation needs.

7. Rehabilitation technology.

8. Job development, placement, and retention services.

9. Evaluation or control of specific disabilities.

10. Orientation and mobility services for individuals who are blind.

11. Extended employment.

12. Psychosocial rehabilitation services.

13. Supported employment services and extended services.

14. Customized employment.

15. Services to family members if necessary to enable the applicant to achieve an employment outcome.

16. Personal assistance services.

17. Other similar services.

“*Comparable services and benefits*” means services and benefits including accommodations and auxiliary aids and services that are provided or paid for in whole or in part by other federal, state, or local public agencies, by health insurance or by employee benefits; are available to the individual at the time needed to ensure the individual’s progress toward achieving an employment outcome in accordance with the individual’s IPE; and are commensurate to the services that the individual would otherwise receive from the division. For purposes of this definition, comparable benefits do not include educational awards and scholarships based on merit.

“*Competitive integrated employment*” means work in the competitive labor market that:

1. Is performed on a full-time or part-time basis, including self-employment, in an integrated setting and for which the job candidate is compensated at a rate that:

- Shall not be less than the higher of the rate specified in Section 6(a)(1) of the Fair Labor Standards Act of 1938 or the rate specified in the applicable state or local minimum wage law;
- Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills;
- Is eligible for the level of benefits provided to other employees; and
- A self-employed individual with a disability in the start-up phase of a business venture who is making less than the applicable minimum wage can meet the definition of “competitive integrated employment.”

2. Is at a location where the employee interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors) who are not individuals with disabilities (not including supervisory personnel or individuals providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and

3. As appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities who have similar positions.

“*Competitive integrated work setting*,” with respect to the provision of services, means a setting, typically found in the community, in which applicants or eligible individuals interact with nondisabled individuals, other than nondisabled individuals who are providing services to those applicants or eligible individuals, and said interaction is consistent with the quality of interaction that would normally occur in the performance of work by the nondisabled coworkers.

“*Customized employment*” means competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability; is designed to meet the specific abilities of the individual with a disability and the business needs of the employer; and is carried out through flexible strategies.

“*Department*” means the department of education.

“*Designated representative*” means any representative chosen by an applicant or eligible individual, as appropriate, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the designated representative.

“*Designated state unit*” or “*DSU*” means Iowa vocational rehabilitation services.

“*Division*” or “*IVRS*” means Iowa vocational rehabilitation services.

“*Eligible individual*” means an applicant for services from the division who meets the eligibility requirements.

“*Employment outcome*” means, with respect to an individual, entering, advancing in, or retraining full-time or, if appropriate, part-time competitive integrated employment; supported employment; or any other type of employment, including customized employment, self-employment, telecommuting, or business ownership, that is consistent with an individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

*“Extended employment”* means work in a nonintegrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act.

*“Extended services”* means ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in supported employment and that are:

1. Provided singly or in combination and are organized and made available in such a way as to assist an eligible individual in maintaining supported employment;
2. Organized or made available singly or in combination with other services to assist an eligible individual in maintaining supported employment;
3. Based on a determination of the needs of an eligible individual, as specified in the individual’s IPE;
4. Provided by an appropriate source after an individual has made the transition from support provided by the DSU; and
5. Provided to a youth with a most significant disability by the DSU for a period not to exceed four years, or at such a time that a youth reaches age 25 and no longer meets the definition of a youth with a disability, whichever occurs first. The DSU may not provide extended services to an individual with a most significant disability who is not a youth with a most significant disability.

*“Family income,”* for purposes of calculating the financial participation rate for services, means those who are financially responsible for the support of the job candidate and may involve individuals who live in the same or separate households including partners and spouses.

*“Family member,”* for purposes of vocational rehabilitation services, means any individual who lives with the individual with a disability and has a vested interest in the welfare of that individual whether by marriage, birth, or choice. A family member is an individual who either (1) is a relative or guardian of an applicant or job candidate, or (2) lives in the same household as an applicant or job candidate, who has a substantial interest in the well-being of the applicant or job candidate, and whose receipt of vocational rehabilitation services is necessary to enable the applicant or job candidate to achieve an employment outcome.

*“IDEA”* means the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

*“Impartial hearing officer”* or *“IHO”* means an individual who:

1. Is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);
2. Is not a member of the state rehabilitation council for the designated state unit;
3. Has not been involved previously in the vocational rehabilitation of the applicant or recipient of services;
4. Has knowledge of the delivery of vocational rehabilitation services, the vocational rehabilitation services portion of the unified or combined state plan, and the federal and state regulations governing the provision of services;
5. Has received training with respect to the performance of official duties; and
6. Has no personal, professional, or financial interest that could affect the objectivity of the individual.

An individual is not considered to be an employee of a public agency for the purposes of this definition solely because the individual is paid by the agency to serve as a hearing officer.

*“Independent living services”* or *“IL services”* means services authorized under Title VII, chapter 1, part B of the Rehabilitation Act of 1973, as amended.

*“Individualized plan for employment”* or *“IPE”* means a plan that specifies the services needed by an eligible individual and the responsibilities of the individual with a disability and other payers. An IPE includes specifics regarding the services needed to lead toward competitive integrated employment, including the following provisions:

1. Includes a description of the specific employment outcome that is chosen by the eligible individual and is consistent with the individual’s unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choices consistent with the general goal of

competitive integrated employment (except that in the case of an eligible individual who is a student or a youth with a disability, the description may be of the individual's projected postschool employment outcome);

2. Includes a description of the specific rehabilitation services needed to achieve the employment outcome and for a student or youth with a disability, the specific transition services and supports needed to achieve the individual's employment outcome or projected postschool employment outcome;

3. Provides for services in the most integrated setting that is appropriate for the services involved and is consistent with the informed choice of the eligible individual;

4. Includes timelines for the achievement of the employment outcome and initiation of services;

5. Includes a description of the entity or entities chosen by the eligible individual or, as appropriate, the individual's representative that will provide the vocational rehabilitation services and the methods used to procure those services;

6. Includes a description of the criteria that will be used to evaluate the progress toward achievement of the employment outcome; and

7. Includes the terms and conditions for the IPE, including, as appropriate, information describing the responsibilities of the DSU; the responsibilities of the eligible individual in relation to achieving the employment outcome and extent of financial participation (if applicable) as outlined in subrule 56.6(5), as well as the responsibility of the individual to apply for and secure comparable benefits and services; and the responsibilities of other entities as the result of arrangements made pursuant to the comparable benefits and services requirements.

*"Individual with a disability"* means an individual who has a physical or mental impairment, whose impairment constitutes a substantial impediment to employment, and who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

*"Individual with a most significant disability"* means an individual who is seriously limited in three or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome.

*"Individual with a significant disability"* means an individual who has a significant physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome or who is a recipient of SSDI, SSI, or both due to the individual's disability.

*"Institution of higher education"* or *"IHE"* means the same as defined in Section 102(a) of the Higher Education Act of 1965.

*"Job candidate"* means an applicant or eligible individual applying for or receiving benefits or services from any part of the division and shall include former job candidates of the division whose files or records are retained by the division.

*"Job retention waiting list release"* means the mechanism used to remove a job candidate from the division waiting list when the individual is at immediate risk of losing the job and requires vocational rehabilitation service(s) or good(s) in order to maintain employment. This applies only for those service(s) or good(s) that will allow the individual to maintain employment. After the individual receives said service(s) or good(s), the individual's file will be closed if the individual is satisfied with the services provided and requires no further services. If there are additional services needed, the individual will return to the waiting list, if necessary, until that point where the individual's priority of service is being served.

*"Maintenance"* means monetary support provided to a job candidate for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the job candidate and that are necessitated by the job candidate's participation in an assessment for determining eligibility and vocational rehabilitation needs or the job candidate's receipt of vocational rehabilitation services under an IPE.

*"Mediation"* means the act or process of using an independent third party to act as a mediator, intermediary, or conciliator to assist persons or parties in settling differences or disputes prior to pursuing formal administrative or other legal remedies.

*“Menu of services”* means the services provided by community partners to assist an individual with a disability in achieving an employment outcome. Menu of services refers to various services that the division is able to purchase from an approved CRP or other approved provider on behalf of a job candidate. The services are selected and jointly agreed upon by the counselor and job candidate of the division. Payments for services are made based on a fee structure that is published and updated annually, and there is no financial needs assessment applied toward the costs of these purchased services from the community partner.

*“Ongoing support services”* means services that are written in the IPE; are needed to support and maintain individuals with the most significant disabilities in supported employment; are provided by the division from the time of job placement until transition to extended services, unless postemployment services are provided following transition, and thereafter by one or more extended services providers throughout the individual’s term of employment in a particular job placement; are provided, at a minimum, twice monthly to make an assessment regarding the employment situation at the work site and coordinate provision of specific intensive services needed to maintain stability; are provided by skilled job trainers who accompany the individual for intensive job skill training at the work site; include social skills training, assessment and evaluation of progress, job development and retention, placement services, and follow-up services with the business and the individual’s representatives; and facilitate development of natural supports or any other service(s) needed to maintain employment.

*“Personal assistance services”* means a range of services provided by one or more persons, including, among other things, training in managing, supervising, and directing personal assistance services, that are designed to assist an individual with a disability to perform, on or off the job, daily living activities that the individual would typically perform without assistance if the individual did not have a disability. Such services shall be designed to increase the individual’s control in life and ability to perform everyday activities on or off the job, necessary to the achievement of an employment outcome, and provided only while the individual is receiving other vocational rehabilitation services.

*“Physical or mental impairment”* includes:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, or endocrine; or
2. Any mental or psychological disorder such as an intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities.

*“Physical or mental restoration services”* means:

1. Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment;

2. Diagnosis and treatment of a physical, mental or cognitive disorder by qualified personnel in accordance with state licensure laws to include:

- Dentistry;
- Nursing services;
- Necessary hospitalization (either inpatient or outpatient) in connection with surgery or treatment and clinical services;
- Drugs and supplies;
- Prosthetic and orthotic devices;
- Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescope lenses, and other special visual aids prescribed by personnel who are qualified in accordance with state licensure laws;
- Podiatry;
- Physical therapy;
- Occupational therapy;
- Speech or hearing therapy;

- Mental health services;
- Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical or mental restoration services, or that are inherent in the condition under treatment;
  - Special services for the treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and
  - Other medical or medically related rehabilitation services.

*“Plan for natural supports”* means a plan initiated prior to the implementation of the supported employment program that describes the natural supports to be used on the job; the training provided to the supervisor and mentor on the job site; the technology used in the performance of the work; the rehabilitation strategies and trainings that will be taught to the mentor in order to support and direct the job candidate on the job; the supports needed outside of work for the job candidate to be successful; and the methods by which the employer can connect with the job candidate’s job coach/IVRS staff member, or the training program when the need arises.

*“Postemployment services”* means one or more services that are intended to ensure that the employment outcome remains consistent with the individual’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These services are available to meet the rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, are limited in scope and duration.

*“Potentially eligible”* for the purposes of preemployment transition services means all students with disabilities. A student is considered potentially eligible until the student has applied for services and an eligibility decision has been determined.

*“Preemployment transition services”* or *“pre-ETS”* means those services specified in 34 CFR Section 361.48(a).

*“Recognized educational program”* includes secondary education programs, nontraditional or alternative secondary education programs (including homeschooling), postsecondary education programs, and other recognized educational programs such as those offered through the juvenile justice system.

*“Rehabilitation technology”* means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

*“Satisfactory employment”* means stable employment in a competitive integrated employment setting that is consistent with the individual’s IPE and acceptable to both the individual and the employer.

*“Self-employment services”* means services to assist individuals with disabilities to achieve a self-employment outcome consistent with the individual’s abilities, preferences and needs. Self-employment is a vocational option through the division that is available only to for-profit businesses intended for operation within the state of Iowa. The division provides two options within the program, which include the full self-employment program and micro-enterprise development. These services provide information, strategies and resources to help the business become self-sustaining while assisting the individual in assuring all necessary supports are in place for long-term success.

*“Status”* means the existing condition or position of a case. The specific case statuses are as follows:

1. 00-0 Referral for services.
2. 01-0 Potentially eligible student.
3. 01-1 Closed from potentially eligible.
4. 02-0 Applicant.
5. 04-0 Waiting list.
6. 08-0 Closed before acceptance (from Status 02-0).
7. 10-0 Accepted for services (plan development) adults.
8. 10-1 Accepted for services (plan development) high school students.

9. 14-0 Counseling and guidance.
10. 16-0 Physical and mental restoration.
11. 18-\_\_ Training.
  - 18-1 Work adjustment training/assessment.
  - 18-2 On-the-job training.
  - 18-3 Vocational-technical training.
  - 18-4 Academic training.
  - 18-5 Secondary education.
  - 18-6 Supported employment.
  - 18-7 Other types of training (including nonsupported employment job coaching, job development, ISE).
12. 20-0 Ready for employment.
13. 22-0 Employed.
14. 24-0 Services interrupted.
15. 26-0 Closed rehabilitated.
16. 28-0 Closed after IPE initiated (from Status 14-0 through 24-0).
17. 30-0 Closed before IPE initiated (from Status 10- \_).
18. 32-0 Postemployment services (from Status 26-0).
19. 33-\_\_ Closed after postemployment services (from Status 32-0).
  - 33-1 Individual is returned to suitable employment or the employment situation is stabilized.
  - 33-2 The case has been reopened for comprehensive vocational rehabilitation services.
  - 33-3 The postemployment services are no longer assisting the individual and further services would be of no assistance.

20. 38-0 Closed from Status 04-0 (individual does not meet one of the waiting list categories, and the individual no longer wants to remain on the waiting list or fails to respond when contacted because individual's name is at the top of the waiting list).

*"Student with a disability"* means an individual with a disability in a secondary, postsecondary, or other recognized education program who is not younger than 14 years of age and not older than 21 years of age; and is eligible for, and receiving, special education or related services under Part B of the Individuals with Disabilities Education Act or is a student who is an individual with a disability, for purposes of Section 504.

*"Substantial impediment to employment"* means a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) that hinders an individual from preparing for, entering into, engaging in, or retaining competitive integrated employment consistent with the individual's abilities and capacities.

*"Supported employment"* means competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual with a most significant disability is working on a short-term basis toward competitive integrated employment. Such employment is individualized consistent with the strengths, abilities, interests, and informed choice of the individual who is receiving ongoing support services for individuals with the most significant disabilities for whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and who, because of the nature and severity of the individual's disabilities, needs intensive supported employment services and extended services after the transition from support provided by the division in order to perform this work.

*"Supported employment services"* means ongoing support services, including customized employment, and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment, that are organized and made available, singly or in combination, in such a way as to assist an eligible individual to achieve competitive integrated employment; based on a determination of the needs of an eligible individual, as specified in an IPE; provided by IVRS for a period of time not to exceed 24 months, unless under special circumstances the eligible individual and rehabilitation counselor jointly agree to extend the time to achieve the

employment outcome identified in the IPE; and following transition, as postemployment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment.

*“Transition services”* means a coordinated set of activities provided to a student or youth with a disability and designed within an outcome-oriented process that promotes movement from school to postschool activities. Postschool activities include postsecondary education, vocational training, competitive integrated employment including supported employment, continuing and adult education, adult services, independent living, and community participation. The coordinated set of activities must be based upon the individual student’s or youth’s needs, taking into account the student’s or youth’s preferences and interests, and must include instruction, community experiences, the development of employment and other postschool adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student’s or youth’s IPE. Transition services must also include outreach to and engagement of the parents or other representatives, as appropriate.

*“Transportation”* means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems.

*“Vocational rehabilitation services”* means those services identified under 34 CFR Section 361.48. For the benefit of groups of individuals, “vocational rehabilitation services” means those services listed in 34 CFR Section 361.49.

*“Waiting list”* means the listings of eligible individuals for vocational rehabilitation services who are not in a category being served, otherwise known as “order of selection” under the Workforce Innovation and Opportunity Act of 2014.

*“Youth with a disability”* means an individual with a disability who is not younger than 14 years of age and not older than 24 years of age.

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